

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 09-CV-11537-RGS

OTTE

v.

LIFE INSURANCE COMPANY OF NORTH AMERICA ET AL.

MEMORANDUM AND ORDER ON MOTION TO
TEMPORARILY STAY PROCEEDINGS

September 6, 2011

STEARNS, D.J.

Defendants Life Insurance Company of North America, Connecticut General Life Insurance Company, and Does 1-100 (collectively, “Defendants”) have moved, with plaintiff’s consent, for a temporary stay in the trial court proceedings, pending an interlocutory review granted by the First Circuit after determining that “special circumstances” warrant such a review. *See Waste Mgmt. Holdings, Inc. v. Mowbray*, 208 F.3d 288, 293-94 (1st Cir. 2000). On appeal, the Court is asked to decide whether the plaintiffs may be appropriately certified as a class. The court agrees with defendants that the outcome of this review may require reversal or modification of the provisional certification order. Thus, a stay in the proceedings is appropriate.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE